

THE HONORABLE JAMES ROBART

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

FRED and KATHLEEN STARK, a  
married couple,

Plaintiffs,

vs.

THE SEATTLE SEAHAWKS,  
FOOTBALL NORTHWEST, LLC, a  
Washington limited liability company,  
FIRST & GOAL, INC., a Washington  
corporation, THE WASHINGTON STATE  
PUBLIC STADIUM AUTHORITY, a  
Washington municipal corporation, and  
LORRAINE HINE, in her capacity as chair  
of the Washington State Public Stadium  
Authority board of directors,

Defendants.

Case No. CV 06-1719 JLR

DECLARATION OF CHRISTOPHER T.  
WION IN SUPPORT OF PLAINTIFFS'  
OPPOSITION TO SEAHAWKS  
DEFENDANTS' MOTION FOR LEAVE  
TO FILE A MOTION FOR SUMMARY  
JUDGMENT WITHIN 90 DAYS OF  
TRIAL DATE

**Noted for Consideration:** May 22, 2007

I, Christopher T. Wion declare as follows:

1. I am an attorney for plaintiffs in this action. I have personal knowledge of each  
fact stated in this declaration.

DECLARATION OF CHRISTOPHER T. WION  
IN SUPPORT OF PLAINTIFFS' OPPOSITION  
TO SEAHAWKS DEFENDANTS' MOTION  
FOR LEAVE TO FILE A MOTION FOR  
SUMMARY JUDGMENT WITHIN 90 DAYS  
OF TRIAL DATE - 1

CV 06-1719 JLR

LAW OFFICES  
DANIELSON HARRIGAN LEYH & TOLLEFSON  
LLP  
999 THIRD AVENUE, SUITE 4400  
SEATTLE, WASHINGTON 98104  
TEL., (206) 623-1700 FAX, (206) 623-8717

2. I have served as the primary contact with Defendants' counsel in this matter. The first time Defendants requested to depose Mr. and Mrs. Stark was on April 3, 2007, during a discovery conference call. Attached to my Declaration as Exhibit 1 is a true and correct copy of an email from Paul Ainsworth, counsel for Defendants the Seattle Seahawks, First & Goal, Inc. and Football Northwest, LLC (collectively, the "Seahawks") confirming the Seahawks' request for deposition dates for the Starks.

3. I responded to the Seahawks' request for deposition dates for the Starks by email on April 9, 2007. In that email, I indicated that the Starks were generally available during the month of April, with the exception of April 17, 19, and 20. A true and correct copy of that email is attached hereto as Exhibit 2.

4. On April 11, 2007, Mr. Ainsworth responded to my April 9, 2007 email, and indicated that the Seahawks preferred to depose the Starks on April 26, 2007. A true and correct copy of that email is attached hereto as Exhibit 3.

5. At no time prior to April 3, 2007 did the Seahawks, or any Defendant, request a deposition of Mr. and Mrs. Stark, nor were any deposition notices issued prior to that date. Deposition notices for Mr. and Mrs. Stark were served on April 17, 2007.

6. The Seahawks never indicated that they needed to depose the Starks prior to the dispositive motion deadline, nor did they request an extension of the dispositive motion cutoff date in order to allow them to depose the Starks. Rather, the first time the Seahawks requested our agreement to permit an untimely motion for summary judgment was on May 3, 2007.

7. The Defendants served discovery requests on the Starks on February 16, 2007. The Starks timely served their responses to Defendants' discovery requests on March 20, 2007. The Starks' responses included fewer than 30 pages of documents responsive to Defendants' requests.

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1 8. Attached to my Declaration as Exhibit 4 is a true and correct copy of excerpts  
2 from the Deposition of Frederick Stark on April 26, 2007.

3 9. Attached to my Declaration as Exhibit 5 is a true and correct copy of excerpts  
4 from the Deposition of Kathleen Stark on April 26, 2007.

5 10. Attached to my Declaration as Exhibit 6 is a true and correct copy of the  
6 Declaration of Fred Stark, dated November 27, 2006 and previously filed in support of the  
7 Starks' Motion for Preliminary Injunction on November 29, 2006.

8 I declare under penalty of perjury and the laws of the State of Washington that the  
9 foregoing is true and correct.

10 Executed this 17<sup>th</sup> day of May, 2007, at Seattle, Washington.

11  
12 By  \_\_\_\_\_

13 Christopher T. Wion  
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**CERTIFICATE OF SERVICE**

I hereby certify that on May 17, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Paul Ainsworth and Greg H. Levy, John J. Dunbar and Irene Smith, Tim J. Filer, Jeffrey S. Miller and Jan Howell, and I hereby certify that I have separately electronically mailed the document to the following non CM/ECF participants: Stephen T. Janik and L. Jordan.

  
D. Yvette Chambers

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